

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

In re:

Earnestine Wilson,

Case No. 19-70746-JHH

Debtor(s).

Chapter 13

NOTICE OF OPPORTUNITY TO OBJECT AND REQUEST HEARING

Pursuant to Western Division Administrative Order No. 20-01, the court will consider the relief requested in this motion (the "Motion") without further notice or hearing unless a party in interest files a response within 21 days from the date set forth on the attached certificate of service, plus an additional three days for service if any party was served by U.S. Mail.

If you oppose the relief requested in the Motion, then, within the time allowed, you must file a response with the clerk of court electronically (or by hand delivery or mail to the clerk's office at 2005 University Boulevard, Room 2300, Tuscaloosa, Alabama 35401), and you must serve a copy of your response on all appropriate persons. If you file and serve a response within the time permitted, the court will schedule and notify you of a hearing.

If you do not file a response within the time permitted, the court will consider that you do not oppose the relief requested in the Motion; the court may deem admitted the allegations set forth in the Motion; the court will proceed to consider the Motion without further notice or hearing; and the court may grant the relief requested.

DEBTOR'S MOTION TO MODIFY CONFIRMED CHAPTER 13 PLAN

The chapter 13 debtor(s) (whether a single debtor or joint debtors, the "Debtor") in the above-captioned bankruptcy case (the "Case") move the court, pursuant to 11 U.S.C. § 1329 and Rule 3015, for entry of an order substantially in the form of the proposed order attached hereto as "Exhibit A" (the "Proposed Order"),¹ approving the below-described modification(s) (each, a "Modification") to the Debtor's confirmed chapter 13 plan (the "Plan").

A. Modification(s) (Complete all subparts.):

1. **Plan Payments.** The Debtor's Plan payments are \$1640.00 monthly. The Debtor proposes (check one):
☐ that Plan payments remain the same; or
☒ to modify Plan payments by decreasing the Debtor's Plan payments to \$1485.00 monthly.
2. **Plan Term.** The Debtor's Plan term is 60 months. The Debtor proposes (check one):
☐ that the Plan term remain the same; or
☒ to modify the Plan term by extending the Plan term to 72 months.

¹ The movant must submit a Word version of the Proposed Order to the court's e-orders e-mail address (orders_jhh@alnb.uscourts.gov). If the movant fails to submit the Proposed Order within **three (3) days** after the expiration of the response period, the court may enter an order denying the Motion, without prejudice, for lack of prosecution, or notice the Motion for hearing.

3. **General Unsecured Distribution.** The Plan provides that each holder of an allowed nonpriority unsecured claim that is not separately classified by the Plan (a "General Unsecured Claim") shall receive (check one):

- ☒ 18% of the creditor's General Unsecured Claim;
- ☐ 100% of the creditor's General Unsecured Claim plus interest at the annual rate of Enter percentage%;
- ☐ a pro rata share of a \$Enter amount pot; or
- ☐ a pro rata share of the Plan payments (totaling \$Enter amount) that remain after disbursements have been made to all other creditors provided for in the Plan, if any.

This is referred to as the "General Unsecured Distribution." The Debtor proposes (check one):

- ☐ that the General Unsecured Distribution remain the same; or
- ☒ to reduce the General Unsecured Distribution to each holder of a General Unsecured Claim to (check one):
 - ☒ 14.69% of the creditor's General Unsecured Claim;
 - ☐ to 100% of the creditor's General Unsecured Claim plus interest at the annual rate of Enter percentage%;
 - ☐ a pro rata share of a \$Enter amount pot; or
 - ☐ a pro rata share of the Plan payments (totaling \$Enter amount) that remain after disbursement have been made to all other creditors provided for in the Plan, if any.

4. **Monthly Fixed Payments** (check one).

- ☐ The Debtor proposes that the monthly fixed payment(s) provided for by the Plan (if any) remain the same; or
- ☒ The Debtor proposes to modify certain monthly fixed payment(s) provided for by the Plan² as follows (complete a separate row for each fixed payment that the Debtor proposes to modify):

Creditor Name	Claim Type (secured, priority, arrearage, etc.)	Proof of Claim Number	Current Monthly Fixed Payment	Proposed Monthly Fixed Payment
Credit Acceptance Corporation	Secured	001	\$337.07	\$264.00
Home Point Financial Corporation	Arrearage	012A	\$224.18	\$196.00

B. **Basis for Relief Requested** (Complete all subparts.):

5. **Grounds for the Modification(s).** As grounds for the Modification(s), the Debtor states as follows (e.g., describe any pertinent changes in the Debtor's circumstances, including, without limitation, job changes):

Pursuant to 11 U.S.C. § 1329(d), FRBP Rule 2002(a)(5) and Rule 3015, and Section 2102(a)(3) of the CARES Act, your Debtor moves to modify the Plan that was Confirmed by this Honorable Court the 29th day of August 2019 (Doc. 35). Pursuant to Section 2102(a)(3) of the CARES Act, your Debtor has been affected by COVID -19. Your Debtor needs the Plan term extended as requested in order to complete the Plan of Reorganization.

² This form may not be used to grant a fixed payment on a claim that is not provided for by the Plan. This form may be used to remove a fixed payment granted to the holder of a priority or nonpriority unsecured claim.

6. **Other Exhibit(s).** To support the relief requested in the Motion (check any and all that apply):
- ☒ the Debtor has (or will)³ file amended schedules I and J sworn to under penalty of perjury;
 - ☐ the Debtor has attached (as "Exhibit B") an affidavit or declaration; or
 - ☐ other (describe): Click here to enter text.

WHEREFORE, PREMISES CONSIDERED, the Debtor requests entry of an order substantially in the form of the Proposed Order.

Dated: 4/20/2021

Marshall A. Entelisano

Signature of Attorney for Debtor or pro se Debtor

Print Name:

Marshall A. Entelisano

Address:

701 22nd Ave Suite 2 Tuscaloosa, AL 35401

Telephone No.

205-752-1202

³ If (by the response deadline) the Debtor's schedules I and J (as amended) do not to support a requested Modification to Plan payments, the court may deny the Motion, without prejudice, or notice the Motion for hearing.

EXHIBIT A

(Attach the Proposed Order.)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

In re:

Earnestine Wilson,

Case No. 19-70746-JHH

Debtor(s).

Chapter 13

**ORDER GRANTING DEBTOR'S MOTION TO MODIFY CONFIRMED
CHAPTER 13 PLAN**

This matter is before the court on the *Debtor's Motion to Modify Confirmed Chapter 13 Plan* (Doc. Enter Doc #) (the "Motion"). Capitalized terms used herein and not otherwise defined have the meanings ascribed to them in the Motion. Notice of the Motion, and of the opportunity to object to the Motion and request a hearing, was provided to the chapter 13 trustee and all creditors in the Case. No interested party timely filed an Objection, and it appears to the court that the Motion should be granted. Accordingly, it is ORDERED that the Motion is GRANTED, and the Modification(s) are approved and shall take effect on the date of this order.

Dated:

UNITED STATES BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

In re:

Earnestine Wilson,

Case No. 19-70746-JHH

Debtor(s).

Chapter 13

CERTIFICATE OF SERVICE

I hereby certify that on the date of this certificate of service, I caused the *Debtor's Motion to Modify Confirmed Chapter 13 Plan* (the "Motion"), the exhibit(s) to the Motion (the "Exhibits"), including the proposed order on the Motion, and this certificate of service⁴ to be served on the creditors and other interested parties identified on the attached mailing matrix⁵ by First-Class United States Mail.

I also hereby certify that on the date of this certificate of service, I caused the Motion, the Exhibit(s), and this certificate of service to be served on the parties listed below by the means specified (if none, leave blank):

Name and Address (If any entity is served care of an officer or agent, identify the person served by name and by title.)	Method of Service (If service is made by certified mail, include the certified mail number.)
Click here to enter text.	Click here to enter text.

Dated: April 20, 2021

Marshall A. Entelisano

Signature of Attorney for Debtor or pro se Debtor

⁴ This certificate of service must be attached to, and filed with, the Motion.

⁵ Attach a current, official mailing matrix for the case.

Label Matrix for local noticing
1126-7
Case 19-70746-JHH13
NORTHERN DISTRICT OF ALABAMA
Tuscaloosa
Tue Apr 20 10:55:49 CDT 2021

AES/PHEAA
Attn: Bankruptcy
Po Box 2461
Harrisburg, PA 17105-2461

SFC-Central Bankruptcy
P.O. Box 1893
Spartanburg, SC 29304-1893

U. S. Bankruptcy Court
2005 University Blvd., Room 2300
Tuscaloosa, AL 35401-1546

Acceptance Now
Attn: Acceptancenow Customer Service / B
5501 Headquarters Dr
Plano, TX 75024-5837

Alabama One Credit Union
1215 Veterans Memorial Parkway
Tuscaloosa, AL 35404-5842

Alabama Power
915 Queen City Avenue
Tuscaloosa, AL 35401-2344

Alabama Power
Credit and Collections
600 18th Street N
Birmingham, AL 35203-2206

Alabama Power
Glenn J. Shaul, Registered Agent
600 18th Street N
Birmingham, AL 35203-2206

Alliance Collection Service, Inc
Attn: Bankruptcy
Po Box 49
Tupelo, MS 38802-0049

Balch & Bingham LLP
Eric Ray, Attorney for Alabama Power
1901 Sixth Avenue N Ste 1500
Birmingham, AL 35203-4642

Blue Cross Blue Shield of Alabama
450 Riverchase Parkway E
Subrogation Dept.
Birmingham, AL 35244-2858

(p) SOUTHERN MANAGEMENT
PO BOX 1947
GREENVILLE SC 29602-1947

CSC Credit Services
Box 740040
Atlanta, GA 30374-0040

Capstone Finance
Attn: Bankruptcy
2115 University Boulevard
Tuscaloosa, AL 35401-1539

(p) JPMORGAN CHASE BANK N A
BANKRUPTCY MAIL INTAKE TEAM
700 KANSAS LANE FLOOR 01
MONROE LA 71203-4774

Chex Systems Inc.
Attn: Consumer Relations
7805 Hudson Road, Suite 100
Saint Paul, MN 55125-1703

Choice Medical
PO Box 71248
Charlotte, NC 28272-1248

Comenity Bank/Blair
Attn: Bankruptcy
Po Box 182125
Columbus, OH 43218-2125

Comenity Capital Bank/Paypal Credit
c/o Weinstein & Riley, PS
2001 Western Ave., Ste 400
Seattle, WA 98121-3132

Country Door/Swiss Colony
Attn: Bankruptcy
Po Box 2830
Monroe, WI 53566-8030

Credit Acceptance
25505 West 12 Mile Rd
Suite 3000
Southfield, MI 48034-8331

Credit Central
1110 15th Street
Tuscaloosa, AL 35401-3393

Credit First National Association
Attn: Bankruptcy
Po Box 81315
Cleveland, OH 44181-0315

Credit One Bank
Attn: Bankruptcy Department
Po Box 98873
Las Vegas, NV 89193-8873

DCH Health System
809 University BLVD. E.
Tuscaloosa, AL 35401-2029

Diversified Consultants, Inc.
Attn: Bankruptcy
Po Box 551268
Jacksonville, FL 32255-1268

Dr Leonards Shop Now
c/o Creditors Bankruptcy Service
P.O. Box 800849
Dallas, TX 75380-0849

EQUIFAX
Post Office Box 740241
Attn: Legal Department
Atlanta, GA 30374-0241

EXPERIAN
P O Box 9556
Allen, TX 75013

Fingerhut
6250 Ridgewood Road
Saint Cloud, MN 56303-0820

Fingerhut
Attn: Bankruptcy
Po Box 1250
Saint Cloud, MN 56395-1250

First Premier Bank
Attn: Bankruptcy
Po Box 5524
Sioux Falls, SD 57117-5524

First-Sun Finance
Attn: Bankruptcy
2210 University Boulevard
Tuscaloosa, AL 35401-1542

Franklin Collection Service, Inc.
Attn: Bankruptcy
Po Box 3910
Tupelo, MS 38803-3910

Ginnys/Swiss Colony Inc
Attn: Credit Department
Po Box 2825
Monroe, WI 53566-8025

(p)HOME POINT FINANCIAL CORPORATION
11511 LUNA ROAD
2ND AND 3RD FLOOR
FARMERS BRANCH TX 75234-6451

Internal Revenue Service
Centralized Insolvency Operation
PO Box 7346
Philadelphia, PA 19101-7346

LVNV Funding, LLC
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

LVNV Funding, LLC
4355 N. Milwaukee Avenue
Chicago, IL 60641-1522

LVNV Funding/Resurgent Capital
Attn: Bankruptcy
Po Box 10497
Greenville, SC 29603-0497

Michelle Yarbrough MS
2012 Berryhill Rd
Montgomery, AL 36117-3599

MidAmerica Bank & Trust Company
Attn: Bankruptcy
216 West Second St
Dixon, MO 65459-8048

Midnight Velvet
Attn: Bankruptcy
1112 7th Avenue
Monroe, WI 53566-1364

Money In A Flash
3020 Lurleen Wallace Blvd.
Northport, AL 35476-3253

Money in a Flash
2815 University Blvd. E.
Tuscaloosa, AL 35404-3241

(p)PLAIN GREEN LOANS
93 Mack Road, Suite 600
Box Elder, MT 59521

Plastic Surgery of Tuscaloosa
1847 Commons North Drive
Tuscaloosa, AL 35406-3700

Portfolio Recovery
Po Box 41021
Norfolk, VA 23541-1021

(p)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

Premier Bankcard, Llc
Jefferson Capital Systems LLC Assignee
Po Box 7999
Saint Cloud Mn 56302-7999

REGIONAL MANAGEMENT CORPORATION
979 BATESVILLE RD, SUITE B,
GREER SC 29651-6819

Rachel Webber
Office of Bankruptcy Administrator
2005 University Blvd Room 1300
Tuscaloosa, AL 35401-1526

Regional Finance
80 McFarland Blvd
Northport, AL 35476-2621

Rent-A-Center
1800 McFarland Blvd Ste B
Northport, AL 35476-3273

Richard O'Neal,
U.S. Attorney's Office
1801 4th Ave N
Birmingham, AL 35203-2101

Riverfall Credit Uni
2520 6th Street
Tuscaloosa, AL 35401-1702

SFC-Central Bankruptcy
P.O. Box 1893
Spartanburg, S.C. 29304-1893

Security Finance
Attn: Bankruptcy
Po Box 1893
Spartanburg, SC 29304-1893

Southeastern Pain & Rehab
P O Box 10568
Birmingham, AL 35202-0568

Southern Company
30 Ivan Allen Jr. Blvd NW
Atlanta, GA 30308-3008

Southwest Credit Systems
4120 International Parkway
Suite 1100
Carrollton, TX 75007-1958

(p)SPILLER FURNITURE COMPANY
PO BOX 020824
TUSCALOOSA AL 35402-0824

Spinecare Center
1050 Ruby Tyler Pkwy
Tuscaloosa, AL 35404-2958

Spotloan
PO Box 927
Palatine, IL 60078-0927

(p)STATE OF ALABAMA DEPARTMENT OF REVENUE
P O BOX 320001
MONTGOMERY AL 36132-0001

Stoneberry
c/o Creditors Bankruptcy Service
P.O. Box 800849
Dallas, TX 75380-0849

Superior Protection Service
2402 Wildwood Avenue #112
Sherwood, AR 72120-5085

Synchrony Bank/ JC Penneys
Attn: Bankruptcy
Po Box 956060
Orlando, FL 32896-0001

TRANSUNION, LLC
Post Office Box 1000
Attn: Legal Department
Chester, PA 19016-1000

Tea Olive, LLC
PO BOX 1931
Burlingame, CA 94011-1931

Thomas Corbett
US Bankruptcy Administrator
1800 5th Ave N
Birmingham, AL 35203-2100

VBS Amilfy Funding
PO BOX 542
Lac Du Flambeau, WI 54538-0542

West Alabama Neurosurgery & Spine
701 University Blvd. East
702
Tuscaloosa, AL 35401-7433

William (Bill) Wells
President/CEO Alabama One CU
1215 Veterans Memorial Pkwy
Tuscaloosa, AL 35404-5842

World Acceptance/Finance Corp
Attn: Bankruptcy
Po Box 6429
Greenville, SC 29606-6429

C David Cottingham
Chapter 13 Standing Trustee
701 22nd Avenue, Suite 4
P O Drawer 020588
Tuscaloosa, AL 35402-0588

Earnestine Thomas Wilson
2112 17th Avenue
Northport, AL 35476-3906

~~Marshall Enteliso~~
~~701 22nd Avenue~~
~~Suite 2~~
~~Tuscaloosa, AL 35401-1857~~

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

COVINGTON CREDIT AL0009
c/o SOUTHERN MANAGEMENT
ATTN BK
P.O. BOX 1947
GREENVILLE, SC 29602

Chase Card Services
Attn: Bankruptcy
Po Box 15298
Wilmington, DE 19850

(d)Covington Credit
Attn: Bankruptcy
Po Box 1947
Greenville, SC 29602

Home Point Financial Corporation
11511 Luna Road, Suite 300
Farmers Branch, TX 75234

Plain Green Loans
93 Mack Road Suite 600
Box Elder, MT 59521

Portfolio Recovery Associates, LLC
POB 41067
Norfolk VA 23541

Spiller Furniture
Attn: Bankruptcy
Po Box 20824
Tuscaloosa, AL 35402

State of Alabama Dept of Revenue
Legal Division
PO Box 320001
Montgomery, AL 36132-0001

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Home Point Financial Corporation

(du)Home Point Financial

(u)TEA OLIVE, LLC

(u)Home Point Mortgage

End of Label Matrix	
Mailable recipients	80
Bypassed recipients	4
Total	84